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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,927	04/19/2001	Seth Harman	79113-277233	2178

7590 04/15/2009  
PILLSBURY WINTHROP LLP  
Suite 2800  
725 South Figueroa  
Los Angeles, CA 90017-5406

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 04/15/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 49-105 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Originally filed claims 1-48, now cancelled by the instant amendment were directed towards a shopping cart display system and method in which transmitted a software system and data related to a shopping list from a shopping list content source. The client would then process the software and said data to provide a moveable shopping cart window object. Thus, when a user would access a shopping site, both the software and the shopping list data from that site would be received and enable a shopping cart window to be displayed. The user would then use the shopping cart window to obtain services from the shopping site itself. In contrast, the newly submitted claims disclose a system and method in which a software system is transmitted to a client web browser. The software system itself of the newly proposed invention is operable to output a moveable shopping cart display. Then a shopping list is received from a shopping list data source and output by the shopping cart display. Thus, a user receives a software system that renders a shopping cart window that in the newly proposed claims is operable to obtain shopping list data from any shopping site which it visits that has a shopping list data source that can be sent to the client browser and displayed by said movable shopping cart display. This would enable the user to generate the movable shopping cart window based upon only the single instance of the software and utilize the cart across multiple shopping sites without requiring the software and shopping list to be provided by each shopping site.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 49-105 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Request for Information under § 1.105 Requirements for information.***

2. Rule 1.105 allows the Examiner, in the course of examining or treating a matter in a pending application, to require the submission from Applicant and his assignees of information as may be reasonably necessary to properly examine or treat the matter. The Applicant and the assignees of this application are required under 37 CFR 1.105 to provide information that the examiner has determined is reasonably necessary to the examination of this application.
3. The applicant has indicated in the Applicant Arguments/Remarks Made in an Amendment dated January 2, 2009 that they are in receipt of a motion for summary judgment of no willful infringement for the related patents at issue in Civil Action Number CV 02-2748 (DRH)(MLO) but has not included this motion in the IDS because it is not believed to be relevant to the patentability of the claims. However, the Examiner is unable to determine, without a copy of the motion itself, whether any relevance to patentability is contained therein. Thus the Examiner requests a copy of said document.

Applicant cites over 480 references in the various IDS's filed. The voluminous IDS's have been considered to the extent that their relevance has been established. The examiner after sampling some of the reference is requesting information from the applicant in order to reasonable limit the scope of the IDS to references which are at least related to the scope of the patent application.

For example, the following sample of IDS references do not appear to be directly applicable to the instant application which is a system for creating a movable window within a content manifestation environment.

A book entitled "Official Netscape Visual JavaScript; A book entitled "Inside Dynamic HTML"; and a book entitled "Learn ActiveX Scripting with Microsoft Internet Explorer 4.0". There are numerous other examples of general material without any specific indication of the teaching expected to be gleaned from the material regarding the applicants claimed invention. Additionally, there are numerous manuscripts regarding an infringement lawsuit that appear relevant to the claimed invention. On a cursory glance it appears that the results of the lawsuit indicate that the ability to generate a moveable window within a content manifestation environment is old and well known.

4. Please provide answers to each of the following interrogatories eliciting factual information regarding the concepts of the present invention.

- a. Which specific reference cited in the IDS's are reasonable pertinent to the subject matter disclosed in the claim limitations of the referenced application? If any of the reference are reasonably pertinent to the subject matter disclosed in the claim limitations, in what way are they pertinent? Provide specific page and line numbers for the Examiner reference.
  
- b. Given the decision to continue the prosecution of the case, the applicant appears to believe that the claim limitations recite patentably distinct limitation that read over the prior art disclosed in the IDS's. As certain references supplied on the IDS's seem to indicate the ability to create moveable windows within a content manifestation environment, the examiner requests that the Applicant provide an explanation of how the claimed limitations differentiate themselves from the cited references.

/John Van Bramer/  
Examiner, Art Unit 3622

/Eric W. Stamber/  
Supervisory Patent Examiner, Art Unit 3622